

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHARTER COMMUNICATIONS, LLC

and

Case 07–CA–140170

JONATHAN FRENCH

and

Case 07–CA–145726

RAYMOND SCHOOF

and

Case 07–CA–147521

JAMES DEBEAU

ORDER REMANDING¹

On September 28, 2018, the National Labor Relations Board issued a Notice to Show Cause why this case should not be remanded for further consideration under *The Boeing Co.*, 365 NLRB No. 154 (2017). The Respondent filed a response opposing remand.²

Having duly considered the matter,

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The General Counsel's response was untimely and therefore was not forwarded to the Board for consideration.

The Respondent opposes remand simply because it believes that the challenged provisions in its Professional Conduct Policy are lawful under *Boeing*. It has not provided any compelling reason why remand is unnecessary or inappropriate here. We find that the most prudent course of action is to remand this case to the judge to initially decide the lawfulness of the challenged provisions under *Boeing*.

Further, we deny the Respondent's request that the Board instruct its appellate counsel to seek a stay of the Board's application for enforcement of the Decision and Order reported at 366 NLRB No. 46 (2018), which is currently pending in the United States Court of Appeals for the Sixth Circuit.

IT IS ORDERED that this proceeding is remanded to Administrative Law Judge Arthur J. Amchan for the purpose of reopening the record, if necessary, and the preparation of a supplemental decision addressing the complaint allegations affected by *Boeing* and setting forth credibility resolutions, findings of fact, conclusions of law, and a recommended Order. Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable.

Dated, Washington, D.C., December 7, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Acting Executive Secretary